

United States District Court

EASTERN DISTRICT OF WISCONSIN

JUDGMENT IN A CIVIL CASE

**OPTIONS FOR COMMUNITY GROWTH, INC.,
a Wisconsin Corporation;
HUMBOLDT HOUSE, LLC,
a Wisconsin limited liability corporation;
LARRY BUTLER, and individual;
NEW IMAGE HEALTHCARE, LLC,
a Wisconsin limited liability corporation; and
REM WISCONSIN II, INC., a Wisconsin Corporation;**

Plaintiffs,

V.

CASE NUMBER: 03-C-1275

**WISCONSIN DEPARTMENT OF HEALTH AND FAMILY SERVICES;
HELENE NELSON, in her capacity as Secretary of the Wisconsin
Department of Health and Family Services;
JAMES E. DOYLE, JR., in his capacity as Governor of Wisconsin; and
PEGGY A. LAUTENSCHLAGER, in her capacity as Attorney General of
Wisconsin;**

Defendants.

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came on for consideration and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the motion of the defendants to dismiss for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted is GRANTED.

Plaintiffs' challenge of two provisions of Wisconsin law: (1) § 62.23(7)(i)1 & 2r, Wis. Stats., which provides that a group home may not be established within 2,500 feet of another group home and (2) § 62.23(7)(i)9, 9m & 10, Wis. Stats., which provides that municipalities may conduct a hearing in order to determine whether a group home should be closed because it poses a threat to the health, safety, and welfare of the community, and request for a judgment declaring that the above-stated provisions of Wisconsin law discriminate against and have a disparate impact on persons with disabilities in violation of the Fair Housing Act, the Americans with Disabilities Act, and § 504 of the Rehabilitation Act is DISMISSED.

This action is hereby DISMISSED.

September 14, 2006
Date

SOFRON B. NEDILSKY
Clerk

s/ Linda M. Zik
(By) Deputy Clerk